

REMARKS

This Amendment responds to the office action issued on December 12, 2007. Reconsideration is respectfully requested in light of the above amendments and the following remarks.

Clarifying Amendments

Claims 1, 2, 7-11, 14-16, 18 and 19 have been amended for clarity. Specifically, the claim terms “instant messaging community” and “community-specific” have been replaced throughout with the terms “instant messaging service” and “service-specific.” These new claim terms have the same meaning as the replaced claim terms within the context of the instant application, and therefore this is not a narrowing amendment. *See, e.g.*, Description of the Related Art (“Each of these Instant Messaging services provides a community of users with the ability the send and receive instant messages to one another.”)

Claim Rejections – 35 U.S.C. § 101

Claims 1-2, 6-12, 14-17 and 20 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 1 has been amended to include the limitations of cancelled claim 13 relating to a processor. The applicant submits that this amendment overcomes the § 101 rejections of claims 1-2, 6-12 and 14-17. Claim 20 has been cancelled.

Claim Rejections – 35 U.S.C. § 102

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by each of Hatscher (U.S. 2004/0122693), Papanikolaou (U.S. 2004/0049589), and Mitchell (U.S. 2005/0050151). These rejections are all respectfully traversed for the following reasons.

Among other distinctions, none of the cited references teach or suggest an instant messaging device or method that provides a common instant messaging application that is configured for use as a service-specific instant messaging application for one of a plurality of available instant messaging services based on the selection of one of a plurality of service-specific icons. An example of these claimed features is provided in the specification with reference to Fig. 1, as follows.

When a user of the mobile device 10 selects one of the available instant messaging icons 28, 30, 32, 34 on the user interface ribbon 26, the common, underlying instant messaging application program 44 is executed by the device's processor. ***Unlike the known single application systems, however, the instant messaging application 44 is configured for the particular instant messaging community specified by the selected icon using a community-specific configuration data file.*** This data file 36, 38, 40, 42 includes information regarding the appearance, lexicon, and functionality of the particular community that is used to configure the instant messaging application 44 for that particular community. Thus, for example, if certain terminology is used in AIM to describe the contact list, or login procedure, or state information, etc., which is distinct to this particular instant messaging service, then the configuration file 36 will provide this terminology to the instant messaging application 44 so that the user experience is consistent with the user of an AIM-specific instant messaging application. Similarly, the graphical appearance of the user interface for the AIM-specific application and its functionality are duplicated by the single, underlying IM application 44 using the data from the configuration data file. ***For each of the other available instant messaging icons 30, 32, 34, a similar configuration data file 38, 40, 42 will cause the same underlying instant messaging application 44 to be configured to operate and appear like a specific application for those instant messaging services.*** (Application Publication No. 2005/0138124, paragraph 0017, emphasis added).

Clearly, none of the cited references disclose or suggest anything similar to the multi-community (*i.e.*, multi-service) instant messaging systems and methods recited in the claims of the instant application. The rejections over each of the three references are addressed separately below for completeness. However, even a cursory review of these references clearly shows that they have nothing to do with a common instant messaging application that can be configured for

use as a system-specific instant messaging application for one of a plurality of available instant messaging services.

Rejections over Hatscher

The Hatscher reference describes an enterprise application that is used to set up “community places” that identify a community of members having like interests and allow the community of members to share information over one or more communication channels, such as email. The Hatscher reference mentions that one way the member of a “community place” can share information is by instant messaging. (See, Hatscher, paragraphs 0010, 0043). However, other than these two passing references to instant messaging as a possible means of communication, the Hatscher reference is completely irrelevant to the claims of the instant application.¹ Remarkably, the term “instant messaging” only even appears twice in the entire Hatscher reference. Clearly, the Hatscher reference is wholly unrelated to instant messaging applications, and the rejections over Hatscher should be withdrawn.

Further, the office action makes no real attempt to demonstrate how the Hatscher reference allegedly relates to the claims of the instant application. For instance, in the rejection of claim 1, the office action cites, with no explanation, to the entirety of page 2 as disclosing “a mobile instant messaging device for communicating instant messages with a plurality of instant messaging communities.” Similarly, all of page 4 of Hatscher is cited, with no explanation, as disclosing “a user interface for displaying a plurality of community-specific icons, each community-specific icon providing an identification of one of the instant message communities;

¹ Because the Hatscher reference is so completely unrelated to the claims of the instant application, the applicant can only conclude that the use of the terms “instant messaging community” and “community-specific” in the claims was misinterpreted by the examiner, leading to the citation of the Hatscher reference which relates to an enterprise application for building a “community” of members. Accordingly, these terms have been replaced in the claims for clarity.

a plurality of configuration data files, each configuration data file being associated with one of the community-specific icons; and a common instant messaging application.” This type of cursory rejection is clearly improper under 37 C.F.R. § 1.104(b) *Completeness of Examiner's Action* which states "the examiner's action will be complete as to all matters..." *See also*, MPEP 2131.01 ("To anticipate a claim, the reference must teach every element of the claim.") Some type of explanation of the Examiner's rejection is particularly necessary in this case where the cited reference has no apparent relevance to the language of the claims.

For at least these reasons, the applicant submits that the rejections under 35 U.S.C. § 102(e) over Hatscher are clearly improper and must be withdrawn.

Rejections over Papanikolaou

The Papanikolaou reference is equally unrelated to the claims of the instant application. The Papanikolaou reference describes an Internet portal structure for providing end users access to on-line services and applications. It has nothing to do with instant messaging or instant messaging applications. In fact, the term “instant messaging” appears only once in the entirety of the Papanikolaou reference. Further, the office action again cites to entire pages of the reference with no explanation as to how these sections of the reference are allegedly relevant to the language of the claims. For instance, in the rejection of claim 1, the office action cites, with no explanation, to the entirety of page 7 of Papanikolaou as disclosing “a user interface for displaying a plurality of community-specific icons, each community-specific icon providing an identification of one of the instant message communities; a plurality of configuration data files, each configuration data file being associated with one of the community-specific icons; and a common instant messaging application.” However, neither page 7 nor any other portion of Papanikolaou relates in any way to these claim elements. As there is no apparent correlation

between the language of the claims and anything disclosed in the Papanikolaou reference, the applicant submits that the rejections under 35 U.S.C. § 102(e) over Papanikolaou are clearly improper and must be withdrawn.

Rejections over Mitchell

The Mitchell reference at least relates to an instant messaging software architecture. However, the Mitchell reference clearly does not disclose or suggest a common instant messaging application that is configured for use as a service-specific instant messaging application for one of a plurality of available instant messaging services based on the selection of one of a plurality of service-specific icons. Rather, the Mitchell reference describes an instant messaging architecture that manages communications with multiple users based on event tasks. Further, the office action again makes no real attempt to show correspondence between the language of the claims and any particular structure in the Mitchell reference. Instead, the office action improperly cites to entire pages of Mitchell with no explanation as to how this disclosure relates to the language of the claims. As explained above, this type of cursory rejection is clearly improper and must be withdrawn.

For the above reasons, the applicant submits that claims 1-12 and 14-19 are patentable over the cited reference and are in condition for allowance. Allowance is respectfully requested.

Respectfully submitted,

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